

MINUTES

ZONING MEETING  
KEY BISCAWAYNE, FLORIDA

TUESDAY, JANUARY 27, 2004

COUNCIL CHAMBER  
560 CRANDON BOULEVARD

1. **CALL TO ORDER/ROLL CALL OF MEMBERS:** The meeting was called to order by the Mayor at 7:00 p.m. Present were Councilmembers Carol Diaz-Castro, Mortimer Fried, James L. Peters, Robert L. Vernon, Vice Mayor Jorge Mendia and Mayor Robert Oldakowski. Councilmember Martha F. Broucek was absent. Also present were Village Manager Jacqueline R. Menendez, Village Clerk Conchita H. Alvarez and Village Attorney Stephen P. Helfman.

2. **PLEDGE OF ALLEGIANCE:** Ms. Ginelle Maura led the Pledge of Allegiance.

3. **AGENDA:** The Clerk requested, on behalf of Councilmember Broucek, the deferral of Item 6A to after the Goals and Objectives Workshop.

Vice Mayor Mendia made a motion to defer Item 6A. The motion was seconded by Mayor Oldakowski and failed by a 2-4 voice vote. The vote was as follows: Vice Mayor Mendia and Mayor Oldakowski voting Yes. Councilmembers Diaz-Castro, Fried, Peters and Vernon voting No.

4. **APPROVAL OF MINUTES:** Councilmember Fried made a motion to approve the minutes of the January 13, 2004 Regular Council Meeting. The motion was seconded by Councilmember Peters and approved by a 6-0 voice vote. The vote was as follows: Councilmembers Diaz-Castro, Fried, Peters, Vernon, Vice Mayor Mendia and Mayor Oldakowski voting Yes.

January 27, 2004

5. **BUILDING, ZONING AND PLANNING:** All witnesses giving testimony in the public hearings were sworn in by the Clerk.

Hearing Number A-1. Key Languages, Inc. Cassia Silva, President, 800 Crandon Boulevard, the applicant, is requesting an amendment of an approved sign program to permit a sign facing Mashta Drive.

Jud Kurlancheek, Director of Building, Zoning and Planning addressed the Council stating his recommendation to approve the request.

The Mayor opened the public hearing. There were no speakers present. The Mayor closed the public hearing.

It was the consensus of Council to include, in the approval, that the total number of wall signs for this building will not exceed three.

The request, as amended, was approved by a 5-1 roll call vote. The vote was as follows: Councilmembers Diaz-Castro, Peters, Vernon, Vice Mayor Mendia and Mayor Oldakowski voting Yes. Councilmember Fried voting No.

Hearing Number RV-17. The Towers of Key Biscayne, 1121 Crandon Boulevard, the applicant, is requesting a variance to permit a 12 ft. decorative rock wall that is associated with a fountain and pool where the code permits 8 ft. The wall is 24-49 ft. from the property line facing Crandon Boulevard.

Councilmember Fried made a motion to approve the variance as recommended by staff. The motion was seconded by Councilmember Vernon.

Director Kurlancheek addressed the Council stating his recommendation to approve the variance.

The Mayor opened the public hearing. Daniel Fields, 1121 Crandon Boulevard; Gregg Pawley, Miami addressed the Council. The Mayor closed the public hearing.

The variance was approved by a 6-0 roll call vote. The vote was as follows: Councilmembers Diaz-Castro, Fried, Peters, Vernon, Vice Mayor Mendia and Mayor Oldakowski voting Yes.

Hearing Number SP-09. Tesaurus Holdings, Inc., 200 Crandon Boulevard, the applicant, is requesting approval of a site plan for a commercial building that contains approximately 24,917 sq. ft.

*January 27, 2004*

Director Kurlancheek addressed the Council stating his recommendation to approve the site plan subject to the following recommendations:

1. Submission of a detailed landscape plan to be approved by the Building, Zoning and Planning Director prior to the issuance of a building permit. The landscaping shall be installed prior to the issuance of any Certificate of any Occupancy.
2. Three speed bumps shall be provided in the driveway.
3. A speed table (traffic calming) shall be constructed on Fernwood Road between Woodcrest Lane and Hampton Lane and built according to Village specifications. The speed table shall be approved by the Public Works Director and constructed prior to the issuance of any type of Certificate of Occupancy.
4. That the applicant construct improvements in the public right of way which are consistent with the Crandon Boulevard Master Plan when adopted by the Council including the construction or the contribution of funds to the Village to construct a new 8 ft. wide sidewalk with pavers, curbs, gutters, street trees, irrigation, re-painting of the existing light poles, and a new traffic signal and intersection infield. The decision to require the construction of these improvements or contribution funds in lieu of construction to the Village shall be made by the Building, Zoning, and Planning Director based on the progress that the Village has made in the construction of Phase 2 improvements of the Draft Crandon Boulevard Master Plan. Phase 2 includes the entrance of the Village to a point south of the Village Green and Harbor Drive. If a decision is made to contribute funds in lieu of construction, said funds shall be received by the Village prior to the issuance of any type of Certificate of occupancy or commencement of Phase 2 construction, whichever is earlier.
5. In the future, should the Village Council encourage vehicular access from Fernwood Road to the commercial properties along Crandon Boulevard, then the owner of the property at the time of Council's action, shall provide such access at no cost to the Village.

Councilmember Fried made a motion to approve the site plan with staff recommendations. The motion was seconded by Councilmember Vernon.

The Mayor opened the public hearing. Carter McDowell, attorney representing Tesaurus Holdings, Inc., Miami; Willie Borroto, architect for the project; Larry Radzville, 77 Crandon Boulevard and Daniel Fields, 1121 Crandon Boulevard addressed the Council. The Mayor closed the public hearing.

The Attorney addressed the Council regarding this hearing.

January 27, 2004

Councilmember Peters made an amending motion to eliminate condition #5. The motion was seconded by Councilmember Diaz-Castro and approved by a 4-2 voice vote. The vote was as follows: Councilmembers Diaz-Castro, Fried, Peters and Vernon voting Yes. Vice Mayor Mendia and Mayor Oldakowski voting No.

Councilmember Diaz-Castro made an amending motion to eliminate the requirement of providing an intersection infield on Crandon Boulevard, included in condition #4. The motion was seconded by Councilmember Peters and failed by a 2-4 voice vote. The vote was as follows: Councilmembers Diaz-Castro and Peters voting Yes. Councilmembers Fried, Vernon, Vice Mayor Mendia and Mayor Oldakowski voting No.

The site plan as submitted, with amended conditions, was approved by a 6-0 roll call vote. The vote was as follows: Councilmembers Diaz-Castro, Fried, Peters, Vernon, Vice Mayor Mendia and Mayor Oldakowski voting Yes.

6. **ORDINANCES:** The Clerk read the following ordinance on first reading, by title:

**AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AMENDING THE CURRENT FISCAL YEAR BUDGET, AS ADOPTED BY ORDINANCE NO. 2003-9, SO AS TO PROVIDE FUNDING FOR FOUR ADDITIONAL FIREFIGHTER POSITIONS WITHIN THE FIRE RESCUE DEPARTMENT OF THE VILLAGE'S DEPARTMENT OF PUBLIC SAFETY; PROVIDING FOR SEVERABILITY; PROVIDING FOR EFFECTIVE DATE.**

Councilmember Diaz-Castro made a motion to adopt the ordinance on first reading. The motion was seconded by Councilmember Peters.

The Manager and the Attorney addressed the Council regarding this ordinance.

The Mayor opened the public hearing. Linda Davitian, 720 Myrtlewood Lane; Robert Maggs, 155 Ocean Lane Drive; Larry Radzville, 77 Crandon Boulevard; John Festa, 695 Harbor Lane; Michael Kelly, 395 Gulf Road; Camille Guething, 260 Seaview Drive; Jim Leavitt, 240 Island Drive; Dan Feeney, President, Key Biscayne Professional Firefighters Association addressed the Council. The Mayor closed the public hearing.

John C. Gilbert, Public Safety Director addressed the Council regarding this ordinance.

There was extensive discussion from Council regarding this issue.

The ordinance was adopted on first reading by a 4-2 roll call vote. The vote was as follows: Councilmembers Diaz-Castro, Peters, Vernon and Vice Mayor Mendia voting Yes. Councilmember Fried and Mayor Oldakowski voting No.

January 27, 2004

The second reading will be on February 10, 2004.

7. **RESOLUTIONS:** There were no resolutions considered by Council.

8. **REPORTS AND RECOMMENDATIONS:** The following items were discussed:

Mayor and Councilmembers. Councilmember Diaz-Castro addressed the Council regarding the Miami-Dade County 2004 bond referendum initiative as it pertains to ball fields on Virginia Key.

The Manager also addressed the Council regarding this issue informing the Council and the public that a Town Hall Meeting to discuss the upcoming bond program will take place on Tuesday, February 17, 2004 at 7:00 p.m. in the Community Room at Village Hall.

Village Attorney. The Attorney did not submit a report.

Village Clerk. The Clerk did not submit a report.

Village Manager. The Manager did not submit a report.

9. **OTHER BUSINESS/GENERAL DISCUSSION:** The Mayor addressed the Council regarding the Newsletter and the upcoming Goals and Objectives Workshop.

10. **SCHEDULE OF FUTURE MEETINGS/EVENTS:** A schedule of future meetings and events was presented to the Council.

11. **ADJOURNMENT:** The meeting was adjourned at 10:15 p.m.

*Respectfully submitted:*

*Conchita H. Alvarez, CMC  
Village Clerk*

*Approved this 10th day of February, 2004:*

*Robert Oldakowski  
Mayor*

January 27, 2004

***IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE VILLAGE COUNCIL WITH RESPECT TO ANY MATTER CONSIDERED AT A MEETING OR HEARING, THAT PERSON WILL NEED A RECORD OF THE PROCEEDINGS AND, FOR SUCH PURPOSE, MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.***